UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,594	09/10/2003	Dave R. Dehart	10015846-1	5314

22879   7590   06/13/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
WALSH, JOHN B

ART UNIT	PAPER NUMBER
2151	

NOTIFICATION DATE	DELIVERY MODE
06/13/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/659,594
Filing Date: September 10, 2003
Appellant(s): DEHART, DAVE R.

David R. Risley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 24, 2008 appealing from the Office action

mailed September 24, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,956,487   VENKATRAMAN et al   9-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, 14, 17-19 and 21-23 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent No. 5,956,487 to Venkatraman et al.

As concerns claims 1, a method for providing print quality support relative to a printing

device, the method comprising: executing a printing device driver (column 5, lines 51-52-

browser executed on computer) on a computer (figure 1a-client at other end of 22; column 5,

lines 51-52- computer system) so as to present a printing device driver user interface (figure 3-

42-web page) to a user on the computer, the printing device driver comprising a program stored

on the computer (column 5, lines 51-52-browser is embodied and executed in the computer

system) that is used to control operation of a peripheral device (10;column 5, lines 65-66 – 10

controlled by browser) separate from the computer (10 is separate from computer for 40; figure

2); presenting a link (column 7, lines 5-22) to print quality support in the printing device driver

user interface on the computer; and providing print quality support information (column 3, lines

20-21; column 5, lines 13-14; column 7, lines 5-22) to the user in a network browser separate

from the printing device driver interface on the computer when the link is selected by the user

(column 7, lines 5-22; other webpages-thus separate from previous displayed interface).

As concerns claim 2, wherein presenting a link comprises presenting a hyperlink (column

7, lines 5 and 19) to a network file.

As concerns claim 3, a hyperlink to a network file comprises presenting a hyperlink to at

least one of a web document, a web site, and a web page hosted by a server remote to both the

computer and the printing device (column 3, lines 44-46; column 8, lines 38-42).

As concerns claim 4, the method of claim 1, wherein presenting a link comprises

presenting a link in association with a color tab of the printing device driver user interface

(column 2, line 34; column 3, lines 35-41-link displayed on a screen which inherently has

colors; screen, webpage support multiple objects (buttons, images)/tabs that are displayed in

association with the link).

As concerns claim 6, the method of claim 1, wherein providing print quality support

information comprises providing print quality support information (column 7, lines 5-22-

manuals) retrieved from a web server (column 2, line 16) by an Internet browser of the computer

via the Internet (column 2, line 30).

As concerns claim 7, the method of claim 1, wherein providing print quality support

information comprises presenting information regarding at least one of proper printing device

operation and troubleshooting tips (column 7, lines 5-22-updated manuals provide information

on tips and operation).

As concerns claim 14, a computer comprising: a processing device (computer system-

column 5, lines 51-52; inherently has a processing device; column 5, lines 51-64); and memory

(system inherently has memory) that stores a printing device driver (column 5, lines 51-52-browser executed on computer) that is used to operate and control a separate printing device (column 6, line 29; Fig 2- 10; column 5, lines 65-66 – 10 controlled by browser); a printing device driver user interface (figure 3-42-web page) configured to support interaction between a user and the printing device driver; and logic (figure 3- 66-68; column 7, lines 5-22) associated with the printing device driver user interface that is configured to enable provision to the user of information regarding print quality issues retrieved from a network (figure 3-user can retrieve information via links; column 7, line 7-support functions).

As concerns claim 17, the computer of claim 14, wherein the logic configured to enable provision of information comprises a hyperlink (figure 3- 66-68; column 7, lines 5-22) to a network file.

As concerns claim 18, the computer of claim 17, wherein the logic configured to enable provision of information is configured to provide the information in a network browser (column 5, lines 51-column 6, line 5) that executes on the computer.

As concerns claim 19, the driver comprising: a printing device driver interface (figure 3-42-web page) configured for presentation in a display of the computer (figure 1a-client at other end of 22; column 5, lines 51-52- computer system for 42), the interface comprising a link (column 7, lines 5 and 19) to print quality support information (column 7, lines 15-16 - manual for printer) hosted by a server remote to both the printing device (10) and the computer (figure 1a-client at other end of 22; column 5, lines 51-52- computer system), wherein when the link is selected by a user on the separate computer, the print quality support information is presented with a network browser that executes on the computer (column 5, lines 51-52-browser executed

on computer; column 7, lines 5-22; other webpages-thus separate from interface; link can also

be opened in a new window/browser).

As concerns claim 21, wherein the link is associated with a color tab presented in the

printing device user interface (column 2, line 34; column 3, lines 35-41-link displayed on a

screen which inherently has colors; screen, webpage support multiple objects (buttons,

images)/tabs that are displayed in "association" with the link).

As concerns claim 22, wherein the print quality support information regards at least one

of the proper operation of the printing device and how to troubleshoot print quality problems

(column 7, line 5-22 - updated manuals provide information on tips and operation; figure 3).

As concerns claim 23, a printing device (10; column 6, line 29); and a computer (figure

1a-client at other end of 22; column 5, lines 51-52- computer system) in communication with the

printing device, the computer comprising a printing device driver (column 5, lines 51-52-browser

executed on computer) configured to operate and control the printing device (10;column 5, lines

65-66 – 10 controlled by browser) and a printing device driver user interface (figure 3-42-web

page) configured to support interaction between a user and the printing device driver (page is an

intermediate between the user and browser software, thus "supporting" interaction; column 5,

line 38; column 3, lines 35-41-control buttons), wherein the printing device driver is configured

to present links (figure 3-66-68; column 7, lines 5 and 19) to print quality support information

regarding the printing device (column 7, lines 5-22- manuals), the print quality support

information being contained in one or more web pages (column 7, lines 5-6) that can be

displayed in a network browser of the computer that is separate from the printing device driver

and its user interface (column 7, lines 5-22; other webpages-thus separate from previous

displayed interface, new window/browser; column 3, lines 45-50-webpages located elsewhere would then be "separate"; column 7, lines 33-34-more than one browser is supported).

(10) Response to Argument

Response to (i):

As concerns claim 23, the wording of the claim lent it to multiple interpretations, which rendered the claim unclear. The appellant has argued the term "separate" is modifying the term "browser" and not "computer". The examiner has found the Appellant's arguments persuasive and has withdrawn the rejection.

The appellant argues Venkatraman does not teach "executing a printing device driver on a computer" and instead serves web pages to a computer that can be used to access function of the device.

The examiner has given the claims the broadest reasonable interpretation and the computer of Venkatraman has a browser for displaying the webpages it receives. Therefore the browser of Venkatraman satisfies the claim element of a "printing device driver" since it performs the corresponding claimed functions of being "configured to operate and control the printing device", wherein Venkatraman discloses at column 5, lines 65-66, "A user accesses and controls the user interface functions of the device 10 using the web browser 40." Furthermore, Venkatraman disclose at column 5, lines 51-52 "the web browser 40 may be embodied in a

computer system that executes a set of web browser software," thus disclosing executing a

"printing device driver" on a computer.

The appellant argues that a "device driver" is not equivalent to a web browser.

The appellant has provided an opinion, not an established fact or evidence, to support

their plain and ordinary meaning of the term 'device driver" as "a program on a computer that

translates between a program on the computer and a separate device." Even if one were to

subscribe to appellant's definition of the term 'device driver", the web browser of Venkatraman

would meet this definition since it is a program on a computer that "translates" data for display

on the computer (see at least column 6, lines 23-26), that is received from a separate device (see

column 3, lines 45-50), which can be a printer/server. Venkatraman thus provides equivalent

structure that performs the claimed functional operations.

The appellant further argues that the term "device driver" is consistent with the
Applicant's specification and must be considered when interpreting the claim limitations.

The claims have been given the broadest reasonable interpretation; however, limitations

from the specification are not read into the claims since it is the language itself of the claims

which must particularly point out and distinctly claim the subject matter which the applicant

regards as his invention, without limitations imported from the specification, whether such

language is couched in terms of means plus function or consists of a detailed recitation of the

inventive matter. Limitations in the specification not included in the claim may not be relied

upon to impart patentability to an otherwise unpatentable claim.   In re Lundberg, 113 USPQ

530 (CCPA 1957).

Response to (ii):

The appellant argues Venkatraman does not describe a computer or computer system

that stores a driver program that is used to control the peripheral device.

Venkatraman discloses at column 5, lines 51-52- a computer system that embodies a web

browser 40. Thus Venkatraman discloses a computer system that stores a driver program, web

browser 40, that is used to control a peripheral device, printer 10.

Response to (iii):

The appellant argues Venkatraman does not teach presenting a link to print quality

support "in the printing device driver user interface" wherein the interface is supported by the

previously recited "driver" that is stored "on the computer".

Venkatraman discloses links (66-68) to print quality support (see Venkatraman at column

7, lines 5-22) wherein the links are hyperlinks to webpages that are concerned with print quality

support in the way of manuals for the printer. The claims do not indicate what the "print quality

support" comprises and one of ordinary skill in the art when confronted with the disclosure of

Venkatraman would realize the manuals for printer operation would provide support for a user if

troubleshooting a problem.

Venkatraman does disclose a "driver" as discussed in Response to (i) discussed above

wherein the web browser of Venkatraman satisfies the claim element of a "driver" since it

performs the corresponding claimed functions of being "configured to operate and control the

printing device", wherein Venkatraman discloses at column 5, lines 65-66, "A user accesses and controls the user interface functions of the device 10 using the web browser 40."

The links 66-68 of Venkatraman are displayed in a printing device driver user interface, on a first web page. This first web page is supported by the browser of Venkatraman, which corresponds to the "previously recited driver". This browser is stored on the computer as disclosed by Venkatraman (see column 5, lines 51-52-browser is embodied and executed in the computer system). The claims have been given the broadest reasonable interpretation and one of ordinary skill in the art would find such a disclosure as anticipating the claim limitations.

Response to (iv):

The appellant argues Venkatraman does not disclose the limitations of claim 4.

The claims have been given their broadest reasonable interpretation. The screen of Venkatraman inherently has color (even if the display is black and white, which are colors) and Venkatraman discloses presenting buttons, images or other objects on the webpage (see column 3, lines 35-41). These objects would be displayed on the screen/page in association with the links. The claim does not provide any function or further defining structure for the "color tab" only that it is presented in association with the link. Therefore, the objects of Venkatraman satisfy this condition and would therefore anticipate the claim limitation.

The appellant argues Venkatraman does not disclose the limitations of claim 7 wherein "presenting information regarding at least one of proper printing device operation and troubleshooting tips."

Venkatraman discloses presenting publications including manuals (see column 7, lines 15-16). It is inherent to a printer manual that it would provide information and instructions regarding proper printing device operation or troubleshooting tips.

Response to (v) –

The appellant argues Venkatraman does not contemplate a printing device driver program that executes on a computer that includes a network link to print quality support as recited in claim 1.

The examiner respectfully disagrees since, as indicated above, the claim limitations have been given the broadest reasonable interpretation and these aspects have been indicated as being disclosed by Venkatraman and thus anticipate all of the limitations of claim 1 (see Response to (i), (ii) and (iii) above).

Response to b:

Regarding claim 14, the appellant argues Venkatraman does not teach "a computer" that "stores a printing device driver that is used to operate and control a separate printing device".

Venkatraman discloses at column 5, lines 51-52- a computer system that embodies a web browser 40. Thus Venkatraman discloses a computer system that stores a printing device driver program, web browser 40, that is used to control a separate printing device, printer 10 (See figure 2 of Venkatraman). Furthermore, the browser of Venkatraman performs the corresponding claimed functions of being "configured to operate and control the printing device," wherein Venkatraman discloses at column 5, lines 65-66, "A user accesses and controls the user interface functions of the device 10 using the web browser 40." The device 10 in an embodiment of Venkatraman is a printer that is separate from the "computer" (computer system for 40) as shown in figure 2.

The appellant further argues Venkatraman does not teach "a computer" that "stores" a "printing device driver user interface" configured to support interaction between a user and the printing device driver.

Venkatraman discloses a "computer system" (see col. 5, lines 51-52) that stores and executes a web browser 40. The web browser downloads web pages, equivalent to the claimed driver user interface, to the computer system (see column 6, lines 10-12) and stores and renders the pages for display (see column 6, lines 23-26). Therefore Venkatraman does disclose a computer storing a "printing device driver user interface" since the web pages will be stored to the computer system via the downloading in order for them to be rendered.

The web browser of Venkatraman displays webpages (18 and webpages displayed from links 66-68). These pages "support" interaction between the user and the "printing device driver," browser, since the pages present information to the user in a readable and visible format, not computer code. These pages are an intermediate between the browser software and the user and would thus "support" interaction. The claim does not provide any further limitations of how or in what way it "supports" interaction. The only claim limitations that may shed light on this aspect could be the "printing device driver is configured to present links." If this is how the "support interaction" is provided, Venkatraman would also further satisfy the limitations since they do provide links (66-68) on the web page displayed on the browser. Furthermore, Venkatraman discloses the web pages support control buttons (column 3, lines 35-41).

The appellant further argues Venkatraman does not teach "logic associated with the printing device driver user interface that is configured to enable provision to the user of information regarding print quality issues retrieved from a network."

Venkatraman discloses hyperlinks (see figure 3- 66-68; column 7, lines 5-22). These hyperlinks are associated with the web browser which is a "printing device driver user interface" and these hyperlinks are configured to enable a user to access publications, including manuals that provide information regarding print quality issues.

Response to c:

Regarding claim 19, the appellant argues Venkatraman does not teach a "printing device driver" as specified in the preamble of the claim.

In response to applicant's arguments, a preamble is generally not accorded any patentable weight, where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

However, the limitations recited in the preamble of claim 19, "printing device driver that is used to control operation of a printing device from a separate computer," are disclosed by Venkatraman. The web browser of Venkatraman satisfies the claim element of a "driver" since it performs the corresponding claimed functions of being "configured to operate and control the printing device", wherein Venkatraman discloses at column 5, lines 65-66, "A user accesses and controls the user interface functions of the device 10 using the web browser 40." The device 10

in an embodiment of Venkatraman is a printer that is separate from the "computer" (computer

system for 40) as shown in figure 2.

The appellant further argues Venkatraman fails to describe a printing device driver that

comprises "a printing device driver interface configured for presentation in a display of the

computer."

Venkatraman discloses web pages (18, col. 7, line 15; and webpages for links 66-68), that

is equivalent to the claimed printing device driver interface. The web pages are configured for

presentation in a display (figure 3, 42-display of computer system for 40).

The appellant argues that the computer web browser (of Venkatraman) does not

comprise the claimed "printing device driver interface" given that the claim separately refers to

a "network browser that executes on the computer".

The claims do not recite that the "printing device driver interface" and "network browser"

are separate entities. The claims are given the broadest reasonable interpretation and the web

browser of Venkatraman is equivalent to the claimed "printing device driver interface" since it

performs the claimed functions. The claim does also recite "a network browser." Venkatraman

discloses the computer systems may execute one or more web browsers. Thus Venkatraman

discloses having a plurality of separate browsers that execute on the computer (col. 7, lines 33-

34), thus they can satisfy both the "printing device driver interface" and a network browser.

Furthermore, it is unclear in what capacity or how they are "separate." If one were to select the

links 66-68 of Venkatraman that can be presented in a new page or browser and would thus be

"separate" from a previously displayed page. Furthermore the pages are each based on, a

particular file (i.e. HTML file), and thus each page is a "separate" file. Thus given the broadest

reasonable interpretation of the claims, one of ordinary skill in the art when confronted with the

full disclosure of Venkatraman would conclude that it anticipates the claim since it discloses

structures that perform the claimed functions for each structure and thus provide the claim as a

taken as a whole.

> *The appellant argues Venkatraman does not disclose the limitations of claim 21.*

The claims have been given their broadest reasonable interpretation. The screen of

Venkatraman inherently has color (even if the display is black and white, which are colors) and

Venkatraman discloses presenting buttons, images or other objects on the webpage (see column

3, lines 35-41). These objects would be displayed on the screen/page in association with the

links. The claim does not provide any function or further defining structure for the "color tab"

only that it is presented in association with the link. Therefore the objects of Venkatraman satisfy

this condition and would therefore anticipate the claim limitation.

> *The appellant argues Venkatraman does not disclose the limitations of claim 22 wherein*
> *"presenting information regarding at least one of proper printing device operation and*
> *troubleshooting tips."*

Venkatraman discloses presenting publications, including manuals (see column 7, lines

15-16). It is inherent for a printer manual to provide information and instructions regarding

proper printing device operation or troubleshooting tips.

Response to d:

Regarding claim 23, the appellant argues Venkatraman does not teach "a computer" in communication with a printing device, the computer comprising "a printing device driver configured to operate and control the printing device".

Venkatraman discloses at column 5, lines 51-52- a computer system that embodies a web browser 40. Thus Venkatraman discloses a computer system that stores a printing device driver program, web browser 40, that is used to control a separate printing device, printer 10 (See figure 2 of Venkatraman). Furthermore, the browser of Venkatraman performs the corresponding claimed functions of being "configured to operate and control the printing device," wherein Venkatraman discloses at column 5, lines 65-66, "A user accesses and controls the user interface functions of the device 10 using the web browser 40." The device 10 in an embodiment of Venkatraman is a printer that is separate from the "computer" (computer system for 40 - column 5, lines 51-52; see also figure 2).

The appellant further argues Venkatraman does not teach "a computer" comprising "a printing device driver user interface configured to support interaction between a user and the printing device driver".

Venkatraman discloses at column 5, lines 51-52- a computer system that embodies a web browser 40. Thus Venkatraman discloses a computer system that stores a printing device driver program, web browser 40, that is used to control a separate printing device, printer 10 (See figure 2 of Venkatraman). Furthermore, the browser of Venkatraman performs the corresponding claimed functions of being "configured to operate and control the printing device," wherein

Venkatraman discloses at column 5, lines 65-66, "A user accesses and controls the user interface

functions of the device 10 using the web browser 40." The web browser of Venkatraman

displays webpages (18 and webpages displayed from links 66-68). These pages "support"

interaction between the user and the "printing device driver," browser, since the pages present

information to the user in a readable and visible format, not computer code. These pages are an

intermediate between the browser software and the user and would thus "support" interaction.

The claim does not provide any further limitations of how or in what way it "supports"

interaction. The only claim limitations that may shed light on this aspect could be the "printing

device driver is configured to present links." If this is how the "support interaction" is provided,

Venkatraman would also further satisfy the limitations since they do provide links (66-68) on the

web page displayed on the browser. Furthermore, Venkatraman discloses the web pages support

control buttons (column 3, lines 35-41).

The appellant further remarks Venkatraman does not teach "wherein the printing device

driver is configured to present links to print quality support information regarding the printing

device, the print quality support information being contained in one or more web pages that can

be displayed in a network browser of the computer that is separate from the printing device

driver and its user interface."

The appellant has provided a statement of opinion and has not provided any factual

evidence or arguments to support this statement. They appear to be a general allegation that the

claims define a patentable invention without specifically pointing out how the language of the

claims patentably distinguishes them from the references. This limitation has been addressed in

the rejection above and thus anticipates the claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/John B. Walsh/

Primary Examiner, Art Unit 2151

Conferees:

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146